

**BEFORE THE IOWA BOARD OF COSMETOLOGY ARTS & SCIENCES**

<b>IN THE MATTER OF:</b>	)	
	)	
<b>La'James International College,</b>	)	<b>CASE NO. 10-043, 10-054,</b>
<b>Iowa City</b>	)	<b>11-007, 11-010 and 11-118</b>
<b>License No. 00019</b>	)	
<b>and</b>	)	<b>NOTICE OF HEARING AND</b>
<b>Cynthia Becher, owner,</b>	)	<b>STATEMENT OF CHARGES</b>
<b>License No. 30430</b>	)	
<b>and</b>	)	
<b>Tracy LaDage,</b>	)	
<b>License No. 55629</b>	)	
	)	
<b>RESPONDENTS.</b>	)	

The Iowa Board of Cosmetology Arts and Sciences files this Notice of Hearing pursuant to Iowa Code §§ 17A.12(2), 17A.18(3) (2013), and 645 Iowa Administrative Code (IAC) § 11.6. La'James International College was issued Iowa school license no. 00019 on July 31, 1988, and operates a school located at 227 E. Market Square, Iowa city, Iowa, 52240. Respondent-La'James International College license is current and will next expire on June 30, 2013. Respondent-Cynthia Becher, the owner of La'James International College, holds instructor's license no. 30430 which next expires March 31, 2014. Respondent-Tracy LaDage, college administrator, holds instructor's license no. 55629 which next expires March 31, 2014.

**A. TIME, PLACE AND NATURE OF HEARING**

Hearing. A disciplinary contested case hearing shall be held on, **January 13, 2014**, before the Board of Cosmetology Arts and Sciences. The hearing shall begin at **1:00 p.m.** and shall be located in the Lucas State Office Building, Fifth Floor

Conference Room 517/518, Des Moines, Iowa.

Answer. Within twenty (20) days of the date you are served this Notice of Hearing and Statement of Charges you are required by 645 IAC § 11.12 to file an Answer. The Answer should specifically admit, deny, or otherwise answer all allegations contained in sections C and D of this Notice of Hearing and Statement of Charges. Pleadings shall be filed with the Board at the following address: Board of Cosmetology Arts and Sciences, 5<sup>th</sup> Floor, Lucas State Office Building, Des Moines, Iowa, 50319.

Presiding Officer. The Board shall serve as presiding officer, but the Board may request an Administrative Law Judge make initial rulings on pre-hearing matters, and be present to assist and advise the board at hearing.

Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 641 IAC chapter 11. At hearing, you may appear personally or be represented by legal counsel at your own expense. You will be allowed the opportunity to respond to the charges against you, to produce evidence on your behalf on issues of material fact, cross-examine witnesses present at the hearing, and examine and respond to any documents introduced at hearing. If you need to request an alternative time or date for hearing, you must comply with the requirements of 645 IAC § 11.18. The hearing may be open to the public or closed to the public at your discretion.

Pre-hearing Conference. Any party may request a pre-hearing conference to discuss evidentiary issues related to the hearing. The Board's rules regarding pre-hearing conferences are contained at 645 IAC § 11.17.

Prosecution. The Office of the Attorney General is responsible for representing the public interest (the State of Iowa) in this proceeding. Copies of pleadings should be

provided to counsel for the State at the following address: David VanCompernelle, Assistant Attorney General, Iowa Attorney General's Office, 2<sup>nd</sup> Floor, Hoover State Office Building, Des Moines, Iowa 50319 or at [David.VanCompernelle@iowa.gov](mailto:David.VanCompernelle@iowa.gov).

Communications. You may not contact board members in any manner, including by phone, letter, or e-mail, about this Notice of Hearing and Statement of Charges. Board members may only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve upon all parties in the case.

## **B. LEGAL AUTHORITY AND JURISDICTION**

Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 157, and 272C (2013).

Legal Authority. If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code chapters 17A, 147, 157, and 272C (2013) and 645 IAC chapter 65.

Default. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code § 17A.12(3) (2013) and 645 IAC § 11.21.

## **C. CHARGES**

### **COUNT I**

Respondents are charged under Iowa Code §§ 147.55 and 157.9 (2013), and 645 IAC § 65.2(13), with engaging in unsanitary practices, in violation of Iowa Code § 157.6 (2013) and 645 IAC §§ 63.2, 63.13 and 63.25.

## **COUNT II**

Respondents are charged under Iowa Code §§ 147.55 and 157.9 (2013), and 645 IAC 65.2(13), with failing to properly post a copy of the most recent inspection report and sanitation rules in the reception area at eye level in violation of 645 IAC § 63.2.

## **COUNT III**

Respondents are charged under Iowa Code §§ 147.55 and 157.9 (2013), and 645 IAC § 65.2(13), with failing to post professional licenses in the reception area at eye level in violation of 645 IAC §§ 61.10(2) and 61.10(3).

## **COUNT IV**

Respondents are charged under Iowa Code §§ 147.55 and 157.9 (2013), and 645 IAC § 65.2(13), with failing to disinfect instruments and equipment in violation of 645 IAC §§ 63.13(2) and 63.13(5).

## **COUNT V**

Respondents are charged under Iowa Code § 147.55 and 157.9 (2013), and 645 IAC § 65.2(13), with failing to clean and fully document cleanings of pedicure spas in violation of 645 IAC §§ 63.25(1-3).

### **COUNT VI**

Respondents are charged under Iowa Code §§ 147.55 and 157.9 (2013), and 645 IAC § 65.2(13), for failing to provide a separate room for the practice of esthetics in violation of 645 IAC § 61.12(8).

### **COUNT VII**

Respondents are charged under Iowa Code §§ 147.55 and 157.9 (2013), and 272C.3(2)(a) (2013), and 645 IAC § 65.2(13), with failing to meet licensed instructor-to-student ratios; employing instructors without specialized certification; and failing to be in direct charge of classrooms and clinics in violation of 645 IAC §§ 61.15(2), 61.15(3) and 61.15(4)(a).

### **COUNT VIII**

Respondents are charged under Iowa Code §§ 147.55, 157.9 and 272C.3(2)(a) (2013), and 645 IAC § 65.2(13), with failing to place students instructors under the direct supervision of a licensed instructor in violation of 645 § 61.16.

### **COUNT IX**

Respondents are charged under Iowa Code §§ 147.55, 157.9 and 272C.3(2)(a) (2013), and 645 IAC § 65.2(13), with failing to post notice to the public services are performed by students in violation of 645 §61.24(1).

## **COUNT X**

Respondents are charged under Iowa Code §§ 147.55, 157.9 and 272C.3(2)(a) (2013), and 645 IAC § 65.2(2)(a) for failing to exhibit professional competency within the scope of practice.

### **D. FACTUAL CIRCUMSTANCES**

1. La'James International College in Iowa City is owned and operated by Cynthia Becher. Tracy LaDage is employed as the college administrator.
2. During an investigation of La'James International College on June 14, 2012, the sanitation rules, inspection report and professional licenses were not visible to the public.
3. Non-circulating spas contained debris. The spa logs did not differentiate which tub had been cleaned. The name and license number of the individual that performed the cleaning was not recorded.
4. Pouches holding scissors were laden with hair clippings and pens, paper and chapstick were intermingled with clean supplies at the students' stations.
5. Respondent Tracy LaDage informed the investigator the school closed the esthetics classroom after finding a student asleep.
6. Respondent Tracy LaDage verbalized it was possible that a student instructor would be placed in a classroom situation alone. Respondent LaDage stated new employees were given 90 days to obtain an instructor's permit and could not verbalize to the investigator if the 90 days was a La'James policy or state law.

7. Respondents failed to exercise professional competency within their scope of practice as instructor and owner failed to provide a quality standard of learning.

#### **E. SETTLEMENT**

This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 645 IAC Chapter 12. If you are interested in pursuing settlement of this matter, please contact David VanCompernelle, Assistant Attorney General, at 515-281-7262 or at [David.VanCompernelle@iowa.gov](mailto:David.VanCompernelle@iowa.gov).

#### **F. PROBABLE CAUSE FINDING**

On April 8, 2013, the Iowa Board of Cosmetology Arts & Sciences found probable cause to file this Notice of Hearing and Statement of Charges.



\_\_\_\_\_, Chairperson  
IOWA BOARD OF COSMETOLOGY ARTS & SCIENCES

Copies to:

David VanCompernelle  
Assistant Attorney General  
Iowa Attorney General's Office  
2<sup>nd</sup> Floor Hoover Bldg.  
Des Moines, IA 50319

Ms. Cynthia Becher  
La'James International College  
2419 5<sup>th</sup> Avenue, S  
Fort Dodge, IA 50501